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Dated: March 12, 2007

Signature:

Linda Blake
(Linda Blake)

Docket No.: CytRx/016US
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Csakai et al.

Application No.: 10/501,029

Confirmation No.: 3625

Filed: July 25, 2005

Art Unit: 1624

For: Carboxamidine derivatives and their use in the
treatment of vascular diseases

Examiner: K. Habte

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed February 13, 2007, applicant hereby provisionally elects Group I, consisting of claims 1 in part, 7-12, and 15-16 in part for continued examination, with traverse.

The Examiner has required restriction between Group I consisting of claims 1 (in part), 7-12, and 15-16 (in part), drawn to 1,2,4-oxadiazine compounds (formula III), classified in class 544, subclass 66, and Group II consisting of claims 1 (in part), 2-6, 13-14, and 15-16 (in part), drawn to others, classified in classes 546, 544, 564, subclass various.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent. Compounds of formula III are actually subspecies of formula I. Namely, when X of formula I is $-NR^4R^5$, and R^4 is a hydrogen and R^5 is a branched C_{1-6} alkyl group, and Y is a hydrogen, with R^5 being part of the cyclic structure in formula (III). (Please view the structure as rotated at the carbon where X is attached so that the N shown in formula (I) is the double

bonded N in formula (III) and X is shown as starting from the second N at the bottom of the diagram and continuing on to form the ring structure.)

Therefore, it is respectfully requested that the restriction requirement be withdrawn.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-1075, under Order No. CytRx/016 US from which the undersigned is authorized to draw.

Dated: March 12, 2007

Respectfully submitted,

By 
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